

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:

Eliminating Regulatory Waste: Delete Delete Delete

GN Docket No. 25-133

Reply Comments of the LPFM Advocacy Group (LPFM-AG)

I. Introduction

The LPFM Advocacy Group (LPFM-AG) submits these reply comments in response to various proposals made by other commenters in the above-captioned proceeding, including detailed filings by REC Networks (REC). While we commend REC for its ongoing dedication to the LPFM service and agree on many broad goals for its modernization, we respectfully differ on several critical points. Our comments below aim to support regulatory reform that is streamlined, equitable, and consistent with the deregulatory mandate of Executive Orders 14192 and 14219.

II. Equal Ownership Rights for All Nonprofits

REC proposes to expand LPFM license ownership and cross-service opportunities (such as LPTV or other secondary services) exclusively to Native American Tribes. While we recognize the intent behind such proposals, any opportunity to serve the public through broadcasting should be made available equally to all qualified nonprofit organizations.

Currently, 47 CFR § 73.855(a) allows Native American Tribes to own up to two LPFM licenses, while other nonprofit entities are limited to one. We urge the Commission to modify this rule to allow *all qualified nonprofits*—regardless of location or identity—to own up to **three** LPFM stations, provided they meet the same eligibility and compliance criteria.

If the Commission moves forward with expanded cross-service ownership, including LPTV, those rules should be applied consistently. REC justifies its position by stating that "*Tribal nations are just that, they are nations.*" However, other U.S. jurisdictions such as **Puerto Rico**, **Guam**, and **American Samoa**—also recognized as distinct national entities in various legal

contexts—are not granted exclusive ownership privileges by the FCC. The same consistent policy should apply here. The FCC should apply ownership policy in a uniform, non-discriminatory manner across all nonprofit entities.

Aligning ownership policy with these principles also serves the goals of this proceeding—eliminating unnecessary regulatory barriers and reducing wasteful complexity. A uniform ownership rule for all nonprofits simplifies administration, avoids the need for identity-based exceptions, and reflects the merit-based, deregulatory vision advanced in **Executive Orders 14192** and **14219**. This approach is consistent with both constitutional equal protection principles and the governance policies encouraged by the current administration.

III. Technical Parity Without Bureaucratic Gatekeeping

The LPFM Advocacy Group supports revising LPFM technical rules to allow full compliance with the same interference and contour standards used for FM translators under 47 CFR § 74.1204 and related translator rules. We believe LPFM stations should have the option to operate at up to 250 watts ERP under these translator-style engineering protections, without being bound to a separate set of technical standards or power restrictions.

In contrast, REC’s proposed “LP-250” framework would create a new class of LPFM service with different spacing rules and a merit-based certification system called PACE (Participation, Availability, Compliance, Experience). While well-intentioned, this proposal would keep LPFM in a regulatory silo and introduce additional gatekeeping that conflicts with the deregulatory goals of this proceeding.

PACE would impose new paperwork, recordkeeping, and subjective evaluations on nonprofit operators—despite the LPFM service’s proven maturity and consistent compliance from thousands of licensed stations nationwide. This undermines the Commission’s stated goal of modernizing and simplifying broadcast regulations.

While we oppose multilayered certification systems like PACE, we do support one simple and objective eligibility requirement: allow power increases for any LPFM station that has been licensed and actively broadcasting for at least five consecutive years without receiving any Notices of Apparent Liability, forfeiture orders, or admonishments from the Commission. This approach preserves spectrum integrity and rewards responsible, community-focused operators—without adding complex regulatory hurdles.

Importantly, we recognize that some existing LPFM stations may be unable to meet translator spacing standards due to their current location or engineering constraints. These stations should be fully grandfathered and allowed to continue operating under existing LPFM rules without being required to move or downgrade their facilities. To be clear, our proposal would make translator-style spacing and contour rules mandatory for any LPFM seeking new or modified facilities going forward. However, existing stations would be fully grandfathered under current LPFM rules and not required to move, downgrade, or change operations. This ensures

that no station loses service or status due to rule changes, while allowing others to upgrade under the streamlined translator framework.

This hybrid approach promotes fairness, protects legacy operators, and enables growth for those ready to expand. It avoids excessive gatekeeping while promoting long-term sustainability and public interest service.

We urge the Commission to revise 47 CFR § 73.811 to give LPFM stations the option to follow FM translator technical rules for higher power operation, without creating a new LP-250 class. Regulatory simplicity and service parity are key principles of this docket.

IV. Expanded Underwriting with Time-Based Limits

REC supports maintaining rigid underwriting language restrictions, while we propose allowing expanded underwriting (including calls to action, qualitative statements, and pricing) so long as the total does not exceed 10 minutes per hour.

We believe this is consistent with the First Amendment and with prior Commission policy, including the enhanced underwriting rules established in the early 1980s. Vague, content-based restrictions on sponsorship language have chilled free expression and disproportionately punished small LPFM stations with limited legal resources.

As federal support for public broadcasting faces renewed political scrutiny, LPFM and NCE-FM stations must be empowered to build independent revenue. Expanded underwriting within clear hourly caps is the most practical, constitutional, and deregulatory way forward.

V. Translator Delivery via IP or Satellite

REC explicitly supports continuing the outdated restriction that prohibits LPFM stations from feeding FM translators via IP or satellite. They propose to retain the requirement that LPFM-owned translators must receive the signal over-the-air, even while seeking to remove similar burdens for other services.

This approach is inconsistent with modern engineering practices and imposes unnecessary infrastructure burdens on small nonprofit stations. Full-service NCE-FMs are permitted under 47 CFR § 74.1231(b) to use IP, satellite, or other terrestrial delivery systems to feed translators. LPFM licensees should be granted the same flexibility. Updating this rule would promote reliability, lower costs, and ensure equal treatment across noncommercial broadcast classes.

VI. Clarifying Expanded Underwriting: Protecting Community Stations Like Riverwest

Some commenters have expressed concern that expanded underwriting would allow large corporations to take over LPFM stations or that it would compromise the nonprofit nature of community radio. We want to reassure those commenters—especially valued voices like Riverwest Radio—that this fear is entirely unfounded.

Expanded underwriting does not make LPFM stations commercial. It does not allow them to be sold to corporations like iHeart or Audacy. It does not remove FCC protections that ensure LPFM licenses remain local, nonprofit, and community-serving.

Under 47 CFR § 73.853(a), LPFM licenses may only be held by nonprofit educational organizations, schools, local governments, or Tribal entities. That rule is not changing. And while we have supported allowing LPFM licenses to be transferred at fair market value between qualified nonprofits, those protections would remain fully intact—ensuring licenses are not auctioned off or used for speculation.

This reform is about preservation—not profit. Today, LPFM licenses can only be transferred for the value of equipment, which is often less than what the equipment would sell for online. As a result, most LPFM licensees do not donate their stations—they simply turn them in. This deprives communities of local service and prevents continuity when a willing nonprofit successor may exist.

Allowing LPFM licenses to be transferred at fair market value between qualified nonprofit organizations would provide an incentive for owners to keep stations on the air by passing them on rather than surrendering them. It would help ensure that local service is preserved—especially in areas that may not see another LPFM filing window for a decade, if ever.

Expanded underwriting and sensible transfer policies would help sustain community radio—not threaten it. Riverwest Radio and stations like it are the heart of the LPFM service. Nothing in our proposal would put that at risk. If anything, our proposals are designed to help more stations survive and continue serving their communities for years to come.

VII. Conclusion

We thank REC Networks and other commenters for their dedication to the LPFM service. However, we urge the Commission to adopt modernization reforms that reflect true regulatory efficiency and fairness:

- Allow up to three LPFM licenses for all nonprofits, not just Tribes;
- Increase LPFM power to 250 watts under translator-based rules;
- Permit enhanced underwriting under a 10-minute/hour cap;
- Allow IP/satellite delivery to translators for LPFM stations;
- Reject proposed duplicative gatekeeping systems like PACE;
- Treat LPFM as a fully capable peer within the NCE-FM family.

Respectfully submitted,

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April 12, 2025